

VZCZCXYZ0003
PP RUEHWEB

DE RUEHEG #0454 0751521
ZNR UUUUU ZZH
P 161521Z MAR 09
FM AMEMBASSY CAIRO
TO RUEHC/SECSTATE WASHDC PRIORITY 1917
INFO RHEHNSC/NSC WASHDC

UNCLAS CAIRO 000454

SENSITIVE
SIPDIS

FOR NEA/ELA AND DRL/NESCA

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [SOCI](#) [KWMN](#) [EG](#)
SUBJECT: COURT SENTENCES NINE MEN TO DEATH FOR GANG RAPE

REF: A. 09 CAIRO 44
[B](#). 08 CAIRO 2382
[C](#). 08 CAIRO 2251

[1](#). (U) On March 4, the Criminal Court in the Delta town of Kafr Al-Sheikh sentenced nine defendants to death and one juvenile to 15 years in prison for the armed gang-rape of 28 year-old Fatma Mahmoud Amin in 2006. One of the convicted men planned the rape as revenge against Amin's husband who refused his proposal to marry Mr. Amin's sister. Announcing the verdict, the judge described the perpetrators who gang-raped Amin for three hours in a field as "merciless," and stated his hope that the court decision would deter such crimes in the future. The ruling is subject to appeal. (Note: Rape, sexual assault and sexual harassment are common crimes in Egypt. In 2008, the National Center for Social and Criminal Studies, a GOE-affiliated institute, asserted that approximately 20,000 cases of rape and sexual assault occur in Egypt each year. End note.)

[2](#). (SBU) Women's rights activists welcomed the verdict. One contact described the decision to us as an effective deterrent, and as a just decision in light of the pain suffered by the victim and her family. Another women's rights advocate judged the ruling to be fair, despite her reservations about the death penalty, and pointed out that the judge chose the most stringent penalty available under law. (Note: The Egyptian penal code allows capital punishment in rape cases involving abduction and violent coercion. End note) In comments to the press, one prominent human rights lawyer rejected the death penalty as an effective deterrent for this type of crime, and claimed life imprisonment would have been a more just sentence. Another human rights activist opined to the media that the GOE may draw the wrong conclusion from the verdict that the courts, not the government, will take the lead in preventing sexual violence.

[3](#). (SBU) Comment: This death penalty verdict is significant as an unprecedented decision against nine men for a gang-rape, and follows the first two convictions for sexual assault in Egypt's history in the fall of 2008 (refs B and C). The judge's choice of the most stringent penalty follows another judge's activist ruling in the November 2008 Cairo group sexual assault case, sentencing a man to a prison although no witnesses came forward to provide testimony, as required by law (ref B). Women's rights activists believe that their public campaigns against sexual violence have influenced judges' thinking, and this verdict is an additional piece of evidence that judges are increasingly taking a harder line on violence against women.
SCOEY